

MEETING MINTUES
DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE (“COST”) OF
ADMINISTRATIVE LAW JUDGES OF THE OFFICE OF ADMINISTRATIVE HEARINGS

NOVEMBER 10, 2014

A meeting of the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings was held on Monday, November 10, 2014 at 1:30 p.m. at the Office of Administrative Hearings, Potomac Room, 441 Fourth Street, N.W., Suite 450 North, Washington, D.C. 2001.

Commission Members:

Present: Yvonne Williams, Joe Onek, James. W. Cooper, Wanda Tucker, Nadine Wilburn

Absent: None

Quorum Present: Yes

Others Present: Traci L. Hughes, Director of the Office of Open Government

Angela Petrova, Attorney-Advisor with Office of Administrative Hearings

The meeting was called to order at 1:30 p.m. by Chair, Yvonne Williams

D.C. Open Meetings Act Presentation by Director, Traci Hughes

Director, Traci Hughes provided a presentation to the COST regarding the requirements of the D.C. Open Meetings Act (“OMA”), D.C. Code §2-571, et seq., which include the following:

- The COST is a public body, and is therefore subject to the OMA when a quorum is present.
- Generally, there are 9 categories under which a public body can close the public session and discuss matters in a private, closed session. One of the categories includes hiring/personnel matters.
- The OMA requires the COST to notify the public of any meeting by listing within the meeting notice the following information: the date, time, location, the agenda, and whether any portion of the public meeting will be held in closed session. The public notice shall be listed in the D.C. Register and posted on the D.C. city-wide central calendar, OAH website and publically.
- The OMA requires that all public body meetings be recorded by audio and/or video. Considering the COST primarily meets to discuss personnel matters, the majority of the session will be closed to the public and the audio/video portion of the public meetings will typically will be very short. The COST can then upload the audio of the public meeting on the D.C. city wide central calendar. It is recommended that the COST utilize a separate recorder for matters discussed in closed session.
- Director Hughes notified the COST that 441 Fourth Street, NW, Suite 540 South is equipped with audio and video and is available to DC government agencies and public bodies to hold and record public meetings.
- The COST must call meetings to order in public session, confirm whether a quorum is present, roll call the present parties to vote on whether to enter into closed session, cite the OMA regulation(s) that apply thereto, discuss business that falls into one of the nine categories that qualify for closed session meetings, re-open the public session and adjourn the meeting.
- The COST may convene via conference call, in-person, or on the web, as long as the meeting method of choice allows for the public to hear/view the public session.
- Director Hughes clarified that while the OMA provides the public the right to attend the public session, it does not afford the public a right to speak. Director Hughes also noted that if any public comments will be allowed, the COST can mandate the format by which they are received.

- Director Hughes concluded her presentation to the COST and left the meeting at approximately 2:00 p.m.

Vote to Close Public Meeting and Enter Closed Session

Chair, Yvonne Williams stated that the commission will next discuss OAH personnel matters, specifically the reappointment status of the following five Administrative Law Judges (“ALJ”):

1. Elizabeth D. Figueroa
2. Margaret A. Mangan
3. Samuel McClendon
4. Erika L. Pierson
5. John T. Rooney

Chair Williams cited to D.C. Code 2-575(b)(10), which allows for closed sessions “to discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal or resignation of government appointees, employees or officials.” Chair Williams roll called the matter, which Joe Onek and James Porter voted in favor of closure.

The meeting was adjourned at approximately 2:30 p.m.

Minutes submitted by Attorney-Advisor Angela Petrova, OAH